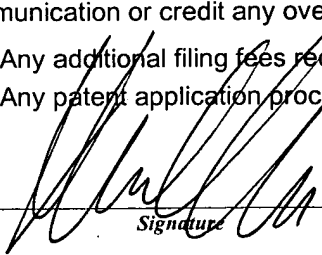



1617

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------|-----------------------------------|---------|-------------------|
| AMENDMENT TRANSMITTAL LETTER (Small Entity) | | | Docket No. 693243-76 (UCD1120) | | |
| Applicant(s): Allan Chen | | | | | |
| Serial No. 10/075,718 | Filing Date February 2, 2002 | Examiner Jennifer M. Kim | Group Art Unit 1617 | | |
| Invention: RADIOSENSITIZATION BY INDOLOCARBAZOLE DERIVATIVES | | | | | |
| RECEIVED JUL 25 2003 TECH CENTER 1600/2900 | | | | | |
| TO THE COMMISSIONER FOR PATENTS: | | | | | |
| Transmitted herewith is an amendment in the above-identified application. | | | | | |
| <input type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted. | | | | | |
| <input type="checkbox"/> A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed. | | | | | |
| The fee has been calculated and is transmitted as shown below. | | | | | |
| CLAIMS AS AMENDED | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
| TOTAL CLAIMS | 11 - | 33 = | 0 x | \$9.00 | \$0.00 |
| INDEP. CLAIMS | 2 - | 6 = | 0 x | \$42.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 |
| <input checked="" type="checkbox"/> No additional fee is required for amendment. | | | | | |
| <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ | | | | | |
| <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. | | | | | |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1896 | | | | | |
| <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. | | | | | |
| <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. | | | | | |
|  Signature | | | Dated: July 17, 2003 | | |
| Nan Wu (Reg. No. 43,360) Gray Cary Ware & Freidenrich LLP 153 Townsend Street, Suite 800 San Francisco, CA 94107 | | | | | |
| <div>I certify that this document and fee is being deposited on <u>July 17, 2003</u> with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</div> <div style="text-align: center;"> Signature of Person Mailing Correspondence</div> <div style="text-align: center;">Ta-Tanisha L. Moore Typed or Printed Name of Person Mailing Correspondence</div> | | | | | |
| cc: | | | | | |



PATENT

Attorney Docket No.: 693243-76 (UCD1120)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Allan Y. Chen

Application No.: 10/075,718

Filed: February 12, 2002

For: RADIOSENSITIZATION BY
INDOLOCARBAZOLE DERIVATIVES

) Group Art Unit: 1617

) Examiner: Jennifer M Kim

) CERTIFICATION UNDER 37 CFR § 1.8

) I hereby certify that the documents referred to as enclosed herein
) are being deposited with the United States Postal Service as first
) class mail on this date **July 17, 2003** in an envelope
) addressed to: Commissioner for Patents, Washington, D.C. 20231) Ta-Tanisha L. Moore
) (Name of person mailing paper)) *Ta-Tanisha L. Moore*
) SignatureCommissioner for Patents
Washington D.C., 20231

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RESPONSE TO RESTRICTION REQUIREMENTResponse

Responsive to the Restriction Requirement mailed June 30, 2003, Applicant elects, with traverse, the claims of Group II, claims 23-33. It is alleged in the Office Action that the claims are directed to two independent and patentably distinct inventions. Although Applicant traverses the restriction requirement for the reasons set forth below, the claims of Group II, claims 23-33 are provisionally elected in order to be fully responsive to the Office Action.

Traverse the Restriction Requirement

The Restriction Requirement is traversed with respect to Groups I and II. In each case, the claims are directed to methods of using indolocarbazole derivatives having the recited structure A to treat neoplastic cells. For example, with respect to Groups I and II, the methods for enhancing the radiosensitivity of a neoplastic cell in claims 1-11, the methods for treating a neoplastic cell in claims

12-22, and the methods for treating a neoplastic growth in claims 23-33 are all related to the use of indolocarbazole derivatives having the recited structure A.

While the claims within each group of Groups I and II are independent and patentably distinct from the claims of another group, it is submitted that the subject matter of Groups I and II is so closely related that division of the claims into separate groups would result in duplication of effort by the U.S. Patent and Trademark Office. A search of the claims of elected Group II would include art relevant to indolocarbazole derivatives having the recited structure A, and therefore relevant to examination of the claims of Group I.

For the above-reasons, it is submitted that a search of the claims of Group II would, of necessity, reveal art relevant to the claims of Group I. Accordingly, it is respectfully requested that the claims of Group I and Group II be rejoined, and that the claims of Group I be examined together with elected Group II.

The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

Dated: 7/17/03

Respectfully Submitted,


Nan Wu

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